IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7989 OF 2003

Shree Vighanahar Sahakari Sakhar Karkhana Limited. .... Petitioner.

Versus

The State of Maharashtra & Ors..... Respondents.

Mr. R. G. Ketkar for the Petitioner.

Mr. M. H. Solkar, AGP for the State.

CORAM : S. A. BOBDE, J.

DATED : JANUARY 28, 2005.

P.C.:

The petitioner, Shree Vighanahar Sahakari Sakhar Karkhana Limited, has challenged the order dated 1st December, 2001 passed by the Secretary (Co-operation), rejecting the petitioner's revision under Section 154 of the Maharashtra Co-operative Societies Act, 1960.

2. The petitioner had a dispute in respect of the price of sugarcane supplied by it to the 3rd respondent, Sangamner Bhag Sahakari Sakhar Karkhana Limited under an Agreement dated 5th November, 1995,

substituted by an Agreement dated 6th January, 1997. Clause 13 of the agreement provided that in case of any dispute between the parties, the matter will be referred to the Commissioner of Sugar whose decision shall be binding on the parties thereto. The matter was accordingly referred for decision under Section 13 of the Act. The dispute was decided by an arbitral award dated 26th June, 2000.

3. Against that award, the petitioner preferred a revision before the Secretary (Co-operative), which has been rejected by the Secretary. Having heard the learned Counsel for the petitioner at length, there appears to be no error of law apparent on the face of the record. The revision has been rejected as not maintainable since it was filed against the arbitral award dated 26th June, 2000. Such an award is capable of being challenged under Section 34 of the Arbitration and Conciliation Act. This is a correct finding in law and it calls for no interference.

4. Mr. Ketkar, learned Counsel for the petitioner, however, submitted that the petitioner’s remedy under the Arbitration Act may be barred by limitation. If so, the petitioner may take such steps as may be

advised for challenging the Award under Section 34 of the Arbitration and Conciliation Act, 1996. This cannot, however, be a ground for finding fault with the order of the Secretary (Co-operation) rejecting the revision.

5. With the above observation, this writ petition is dismissed.

Sd/-

S. A. BOBDE, J.